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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

NOV 17 2001

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MAILING IN	
ART UNIT	PAPER NUMBER

2681

DATE MAILED:

06/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/268,080

Applicant(s)

LONKA ET AL.

Examiner

Nay A. Maung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 recites the limitation "according to claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4, 13, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (Tsugane; 5,657,370) in view Holshouser et al. (Holshouser; 6,151,486).

Consider claim 18. Tsugane teaches a telephone comprising: a first part (fig. 1, item 21), a second part (fig. 1, item 22) attached to the first part movable between a first position and a second position (i.e., open and close position fig. 1, item 26); an antenna coupled to the first part (fig. 1).

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In the second part, a keyboard for providing control input information to the radio transceiver (fig. 1, item 25), and a grip design for allowing a user to hold the telephone by the second part (fig. 1, item 22).

An arrangement for attaching battery is inherently in Tsugane. However, Tsugane does not explicitly show the arrangement of attaching the battery to the second part parallel to the keyboard.

Nevertheless, the claimed limitation is a matter of design preference, and it is very well-known in the art as evidenced by Holshouser.

Holshouser teaches an arrangement for attaching a battery to a second part parallel to the keyboard (figs. 6B; 7, item 75; fig. and 9, item 95). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a battery in order to power the telephone.

Consider claim 19. Tsugane further teaches the grip by the user is at the area of the lower part of the telephone (fig. 1, item 22).

Consider claim 3. Holshouser further teaches the second part a module which having circuit board of the number keyboard; a charging connector to form a connection to an external charging device arranged to charge a battery attached to the second part, and a connector to form an electric connection between the first and the second part (fig. 6C, item 62)

Consider claim 4. The connector for forming the electric connection between the first and second part is simultaneously a connector for creating an electric connection between the second part and a battery attached thereto which is inherently present in Tsugane.

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Consider claim 13. Tsugane further teaches the second part is rotatably movable with respect to the first part in between the first and the second position, for which function the telephone is provided with a hinge in between the first and the second part (fig. 1, item 26).

Consider claim 16. Tsugane further teaches means for receiving an incoming call by adjusting the first part from the first position to the second position (i.e., open position, fig. 1).

Consider claim 17. Tsugane does not explicitly show the mobile phone is for a digital cellular network. However, the claimed limitation is very well-known in the art and would have been obvious to one of ordinary skill in the art, at the time the invention was made to include digital part such that a user can connect to a digital cellular network in order to have an addition service feature, i.e., a data connection.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (Tsugane; 5,657,370) and Holshouser et al. (Holshouser; 6,151,486) as applied to claim 18 above, and further in view of the Applicant's admitted prior art (fig. 4).

Consider claim 2. Tsugane further teaches in the second part a number keyboard (fig. 1, item 25), and the first part having a display (fig. 1). Tsugane does not explicitly show that the first part having a quick-action keyboard. However, the claimed limitation is very well-known in the art as evidenced by the Applicant's admitted prior art (fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a quick-action keyboard in order to receive a call by pressing on the quick-action keyboard.

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5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (Tsugane; 5,657,370) in view of Holshouser et al. (Holshouser; 6,151,486) as applied to claim 3 above, and further in view of Bremer (6,018,671).

Consider claim 5. Tsugane does not explicitly show a vibrating alarm device. However, the claimed limitation is very well known in the art as evidenced by Bremer.

Bremer teaches a vibrating alarm device (129) is incorporated into the housing (figs. 2-3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a vibrating call device in order to silently alert the user of incoming calls.

6. Claim 6, 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudisill et al. (Rudisill; 6,208,874) in view of Holshouser et al. (Holshouser; 6,151,486).

Consider claim 18. Rudisill teaches a telephone comprising: a first part (fig. 1, item 52), a second part (fig. 1, item 48) attached to the first part movable between a first position and a second position (i.e., slide open and close, fig. 1); an antenna coupled to the first part (fig. 4, items 90, 92, and 94).

In the second part, a keyboard for providing control input information to the radio transceiver (fig. 1, item 30), and additionally having in the second part a grip design for allowing a user to hold the telephone by the second part (fig. 1, item 48).

An arrangement for attaching a battery to the phone is inherently in Tsugane. However, Tsugane does not explicitly show the arrangement of attaching the battery to the second part parallel to the keyboard.

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Nevertheless, the claimed limitation is a matter of design preference, and it is very well-known in the art as evidenced by Holshouser.

Holshouser teaches an arrangement for attaching a battery to a second part parallel to the keyboard (figs. 6B; 7, item 75; fig. and 9, item 95). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a battery in order to power the telephone.

Consider claim 6. Rudisill further teaches the second part is slidably movable in relation to the first part in between the first and the second position, for which function the second part comprises slide rails and the first part has matching counter-rails (fig. 1, items 72, 64, and 24).

Consider claim 7. Rudisill further teaches the first and the second part are in the first position located essentially on top of each other (fig. 3).

Allowable Subject Matter

7. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

8. Applicant's arguments with respect to claims 1-7, 13, and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

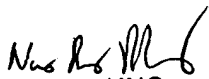
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nay A. Maung whose telephone number is 703-308-7745. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


NAY MAUNG
PRIMARY EXAMINER
Art Unit 2681

June 16, 2001